

BURNS and MURRAY. They have accomplished the important work of prioritizing the military construction projects and bringing this bill to the floor. I encourage my colleagues to join me in support of these priorities.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 106 Leg.]

#### YEAS—96

Abraham	Edwards	Lott
Akaka	Enzi	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden

#### NAYS—4

Feingold	McCain
Gorton	Thomas

The bill (H.R. 4425), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. SMITH of Oregon) appointed Mr. BURNS, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUE, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, we have been discussing with our colleagues the procedure for the remainder of the day.

At this time, I am going to ask unanimous consent to go to the foreign ops appropriations bill. I understand there will be objection to that. If there is objection, then I would move to proceed to it. That, of course, would be debatable. I understand there is at least a couple of Senators who would want to be heard on this matter.

While that is being debated, we will be working to see if we can get a time agreement and the ability to complete action on legislation by Senator BROWNBACK, Senator WELLSTONE, and others dealing with sex trafficking. We also will be working to see what kind of agreement we might work out on the Elementary and Secondary Education Act while we are doing the sex trafficking bill, if we can get agreement on that.

After this series of three different things are worked through, then we will see if there is a possibility under that arrangement or even a likelihood that we could have a vote later on this afternoon. At this time, I couldn't say what time, but I presume 5:30 or 6:00. At that point, we could announce what would occur next.

With regard to next week, I might go ahead and say that we are still discussing the possibility of clearing some nominations and having some debate time on those on Monday, and going to Agriculture appropriations on Tuesday with an understanding that there is a need for the House to act on that before we complete it. The Senate doesn't want to give up any of its rights. It has emergency funds in it, in addition to the regular appropriations bill.

If we don't get started on the Agriculture appropriations bill early in the week on Tuesday, it is going to be very hard to finish that bill next week. But it would be our intent to stay on it until we complete it. That could be Thursday night, it could be Friday, or it could be Saturday. But it is emergency Agriculture as well as regular Agriculture appropriations items.

I think it is essential that we find a way to commit ourselves to get that legislation through before we leave.

#### UNANIMOUS CONSENT REQUEST— S. 2522

Mr. LOTT. Mr. President, having said that, I ask unanimous consent that the Senate now turn to S. 2522, the foreign ops appropriations bill, which includes the emergency funding for efforts to aid Colombia and that country's war on drugs, in addition to funding our foreign policy initiatives throughout the world.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2522, the foreign ops appropriations bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. LOTT. Mr. President, under that debate time, I would say again that I believe Senator GORTON wishes to make a statement at this time. I see Senator MCCONNELL is here, and I presume Senator LEAHY, who is also here, may want to talk about the content of this legislation and discuss how we are going to find a way to get it completed.

I know we have a problem in that the House has not acted on this legislation. But we also need to go ahead and move forward on it. It has emergency funding in it for the counternarcotics program in Colombia. It has the Israeli peace process funds in it and debt relief dealing with Iraqi opposition, and a lot of other very important items.

I think we need to discuss that and decide how we are going to be able to proceed in an emergency way on this legislation.

Having said that, while that debate is taking place, we will be working to see if we can work out an agreement on the next bill that will be called up relatively shortly.

I yield the floor.

The PRESIDING OFFICER. The Democrat leader.

Mr. DASCHLE. Mr. President, I objected, as I noted I would do yesterday, to taking up a bill that has yet to be acted upon in the House. The regular order is the bill must be approved in the House prior to the time we finish our work on the legislation. I see no need to deal with the same bill twice, to deal with it now and to deal with it again later once the bill is acted upon in the House of Representatives.

The distinguished majority leader had noted that there is emergency funding incorporated in this bill. I am sympathetic to that. I won't ask him at this point, but I note I could ask unanimous consent—which I will not do—to take up H.R. 3908, the emergency supplemental bill for the year 2000. The House passed it and urged the Senate to take it up and pass it. The Appropriations Committee had hoped they could take it up and pass it. It was the majority leader's determination not to take it up, not to pass it, but to leave it in committee. I am not as sympathetic as I wish I could be about his desire to deal with these emergency matters when we could easily and quickly and very efficiently deal with emergency funding by simply taking up the bill that is right now on the calendar. Again, that is H.R. 3908.

That is, of course, the right of the majority and the right of the majority leader, to make that decision. I am disappointed. Until that House bill comes before the Senate, it is not my intention to have to require the Senate to go through a debate on the same issue twice. That was the reason the rules were written as they were. Constitutionally, appropriations bills must begin in the House of Representatives. We are, in a sense, circumventing the rules of the Congress by allowing these bills to be debated and considered prior to the time the bill comes before the Senate.

We will certainly object. We will look forward to the House acting, as we hope they will soon, and not only on this bill but on others. Senator LOTT is absolutely right. This legislation should have been reported out it should have been passed in the House by now. It hasn't been. It is disappointing that it hasn't been. That is the only reason we are not taking it up this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRESCRIPTION DRUG PRICE DISCRIMINATION

Mr. GORTON. Mr. President, all of us have read accounts of Americans crossing our borders in order to buy vital prescription drugs at deeply discounted prices. Every day seniors and other Americans can save 50 percent, 60 percent, or even 70 percent on their drug bill simply by going to Canada or Mexico. A busload of seniors from Seattle recently saved \$12,000 just by driving two hours north to buy their medications at a Canadian pharmacy.

The reason drugs are so much less expensive in Canada, Mexico, and other countries? American manufacturers sell products that were discovered, developed and manufactured in the United States for far lower prices in virtually every other country in the world than the prices they charge American customers.

Why? Every other country imposes some form of a price control on prescription drugs. As long as we let our drug companies impose all of their research and development costs on American consumers, our drug manufacturers agree to this arrangement because they can recoup their manufacturing costs and still make some profit. But the price other countries pay in no way compensates for the expensive research and development costs for new drugs. American consumers end up subsidizing the research and development for the rest of the world.

When Americans pay higher prices at the drug store cash register, that is not the first time they subsidize the research and development of new drugs. Taxpayer dollars are used to fund the research conducted by the National Institutes of Health; much of the basic science conducted with NIH grants is then transferred to the private sector. Taxpayer money is also the major source of funds for training scientific personnel, scientists hired by the drug industry in large numbers.

According to a 1993 report by the Office of Technology, in addition to general research and training support, there are 13 programs specifically targeted to fund pharmaceutical research and development. That same report noted: "Of all U.S. industries, innovation within the pharmaceutical industry is the most dependent on academic research and the Federal funds that support it."

Finally there are the tax breaks: for research and development, for orphan drug development; and possession tax credits for manufacturing drugs in Puerto Rico.

Let me be clear. I understand and support the need to invest in research and development. I have supported all of the programs I just spoke about including the National Institutes of Health and the Research and Development tax credit. I also agree that drug companies should be able to recoup costs associated with research and development. But I do not think that American consumers should be the only ones to foot that bill. American consumers who already strongly support R&D efforts through their tax dollars should not have to pay for R&D costs again in the form of higher prices at the drug store. All users, domestic and foreign, should pay a fair share of those costs.

But drug companies are satisfied with the status quo. They know that they can simply raise prices in the U.S., if other countries negotiate or regulate to win lower prices. American consumers should not be subject to this kind of price discrimination—especially for products that are vitally important to preserving our health.

My idea is to borrow from a law that has applied to interstate commerce within the United States for the last 60 years—the Robinson-Patman Anti-discrimination Act. It simply says that manufacturers may not use price to discriminate among like buyers. My bill, the Prescription Drug Fairness Act, takes these same principles and applies them to prescription drug sales overseas. Drug manufacturers would not be able to offer lower prices at the wholesale level in Canada, Mexico or any other country than they charge inside the United States.

Since 1936, the Robinson-Patman Act has established as a legal norm the concept of fair dealing in pricing by

prohibiting unjustified price discrimination. The same principle of fair dealing should be applied to prescription drug sales to wholesale buyers in different countries.

The drug companies have demonized my idea by labeling it "price control." If this is a price control then we have had price controls on every product sold in the United States for the last 60 years. My bill in no way tells drug companies what they can or can not charge for a prescription drug. It simply says that they cannot discriminate against Americans.

I asked the pharmaceutical companies for their ideas to ensure that Americans are treated fairly and have access to affordable prescription drugs. Their response? They simply want to expand Medicare by adding drug coverage for its recipients. While I do think coverage is one important part of the solution for seniors—it is only a partial answer.

It does nothing to address the cost for the uninsured American and does nothing to address the growing concerns of employers, health plans, and hospitals about rising costs associated with prescription drugs. As more and more people use prescription drugs, drug costs take up more of overall health care spending. But drugs are also costing Americans more. Last week, Families USA released a study that showed the average cost of the 50 drugs most commonly used by seniors rose by 3.9 percent, outpacing the inflation rate of 2.2 percent. A study from the University of Maryland's Center on Drugs and Public Policy projects prescription drug expenditures will rise 15-18 percent annually. Total prescription drug expenditures could double between 1999 and 2004 from \$105 billion to \$121 billion.

I do think the Medicare program should be modernized to include a prescription drug benefit. If we expand the program, however, it must be done responsibly and must not jeopardize the benefits seniors currently have. CBO estimates that the program will be insolvent by 2023. While there are a number of ideas for how to structure a benefit, the sticking point always seems to be how to pay for it. CBO recently revised its estimate of the President's proposal. It is expected to cost \$160 billion between 2003 and 2010. And that is for minimal coverage up to \$1,000 (with seniors paying a second \$1,000 out-of-pocket), relatively high premiums, and no protection for those seniors with exceptionally high drug bills.

My skepticism about the industry's support for simply expanding Medicare is increased by reports in the Wall Street Journal last week that Medicare and Medicaid have overpaid the drug industry by as much as \$1 billion a year for the few drugs these programs do cover. My idea would save Medicare beneficiaries money on their drug bills